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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,273	08/08/2005	Teruo Tsutsumi	450104-04918	5375

7590 08/29/2008
William S Frommer
Frommer Lawrence & Haug
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New York, NY 10151

EXAMINER

FAULK, DEVONA E

ART UNIT	PAPER NUMBER
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2615

MAIL DATE	DELIVERY MODE
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08/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/509,273	Applicant(s) TSUTSUMI, TERUO	
	Examiner DEVONA E. FAULK	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-6 and 8-11 is/are allowed.
- 6) ☒ Claim(s) 1 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the oath/declaration have been fully considered and are persuasive.
2. Regarding the IDS filed 9/27,2004 , 37 C.F.R. § 1.98 part (3) states the following:
(3)
 - (i) A concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language. The concise explanation may be either separate from applicant's specification or incorporated therein.
 - (ii) A copy of the translation if a written English-language translation of a non-English-language document, or portion thereof, is within the possession, custody, or control of, or is readily available to any individual designated in § 1.56(c).

The examiner asserts that the applicant has not provided either a concise explanation of the relevance of the art cited , or a copy of the translation. The search report cited is not sufficient as a translation of the Japanese documents cited. If the applicant wants the Japanese documents considered than either 3(i) or 3(ii) must be met. The examiner is maintaining that the IDS fails to comply with the provisions of 37 CFR 1.97

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and 1.98. If the applicant feels the art cited is not of any particular relevance, than it does not need to be cited.

3. The applicant has amended claim 1 and added new claims 7-11. Claims 2-6 are indicated as allowable and remain in allowable form.

4. Applicant's arguments, regarding the newly recited claim language, filed 6/4/08, with respect to the rejection(s) of claim(s) 1 under 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of 112 1st and 2nd rejections.

Information Disclosure Statement

5. The information disclosure statement filed 9/27/2007 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the applicant failed to provide translations in English of the cited Japanese patents. A translation can be a copy of the abstract in English or a full translation of the foreign patent. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

6.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1 and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1 recites "... a partition wall.... passes through a center of an opening for the speaker and divides the baffle board into at least tow regions..". Claim 7 recites, "...a partition wall...passes through a center of a diaphragm of the speaker and divides the baffle board into at least two regions...". The examiner is unsure as to how can pass through the center of an opening for the speaker and pass through a center of a diaphragm of a speaker if the speaker is installed in the opening. As noted by the applicant, typically prior art partitions are cut away from the speaker area. The specification does not provide enablement as to how the speaker will be mounted if there is a partition wall passing through a center of an opening for the speaker and passing through a diaphragm of the speaker.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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10. Claims 1 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites "... a partition wall.... passes through a center of an opening for the speaker and divides the baffle board into at least tow regions..". Claim 7 recites, "...a partition wall...passes through a center of a diaphragm of the speaker and divides the baffle board into at least two regions...". The examiner is not clear as to what " a center of on opening for the speaker " and "a center of a diaphragm" is referring to, and center with respect to what axis? Clarification is needed.

Allowable Subject Matter

11. Claims 2-6,8-11 are allowed.

12. The following is a statement of reasons for allowance: Regarding claim 2, prior art Weathers (US 8,66,514) discloses a loudspeaker apparatus (Figures 4-6), in which a partition wall (either one of partitioning means 82,78,74 and 85 read on partition wall) provided at a right angle to the center of the speaker (a speaker is mounted in opening 86; Figures 4 and 6) divides the baffle board into at least two regions (each partitioning means divides the baffle board into at least two regions; Figures 4 and 6) to obtain sound energies emitted from at least two divided regions (sound is emitted from the divided regions; column 6, lines 50-column 7, line 35). Prior art Bobb (US 4,122,302) discloses a two way dynamic electrostatic speaker enclosure with side vent for greater high frequency dispersion. The prior art or combination thereof fails to disclose or make obvious emitting sound in middle and low frequency range from one of the divided

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space in the cabinet and emitting sound in middle and high frequency range from the other divided space in the cabinet. Therefore the prior art or combination thereof fails to disclose or make obvious a loudspeaker apparatus as claimed in claim 2.

13. Claims 3-6,8-11 are allowed due to dependency on claim 2.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEVONA E. FAULK whose telephone number is (571)272-7515. The examiner can normally be reached on 8 am - 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Devona E. Faulk/
Examiner, Art Unit 2615

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2615